REMARKS/ARGUMENTS

The invention is a method of obtaining connection to a packet data network and a system. In accordance with the invention, a user 12 inputs a request to a first network 10 which requests that the user be authorized for connection to the packet data network 14 through a second work 16. The user request and an authorization of payment is transmitted from the first network 10 to the second network 16 to pay for user's access to the packet data network 14. Network authentication information, which may be a unique random number RAND, a signed response RES, and a cipher key Kc, is used to grant the user authentication to obtain connection through the second network 16 to packet data network 14. The authentication information is transmitted from the first network 10 to the user 12 which informs the user that authentication to obtain connection to the packet data network 16 has been obtained. Furthermore, as illustrated in Fig. 2, the second network debits when the user roams in the second network from a stored value of service units maintained by the second network, which have been granted to the user, a number of consumed units which are identified in each request for consumption of at least one service unit until the number of consumed service units equals the number of granted service units.

Prior to the invention, as described in the specification under the "Description of the Prior Art", a problem existed when a user wished to obtain service from a packet data network while remaining anonymous or where there was no roaming agreement permitting the user to be billed while roaming from the user's home network to the second network and through which the user is connected to the packet data network. This situation required alternative billing arrangements to

which the invention is addressed. See the first full paragraph on page 2 of the specification.

The independent claims define a method and system which includes a user request from a first network regarding authorized connection to a packet data network through a second network. All of the independent claims define an interaction from a user through a first network to a second network including payment thereof to obtain use of the packet data network which includes the roaming of the user into the second network. Moreover, independent claims 22 and 24 further recite transmitting to the second network at least one request for consumption of at least one service unit and the second network debits from a stored value of service units which are granted to the user a consumed number of service units. This subject matter is also not suggested by the prior art.

In this regard, claim 1 recites "a method of obtaining connection to a packet data network comprising inputting a user request to a first network which requests the user be authorized for connection to the packet data network through a second network; transmitting from the first network to the second network the user request and an authorization of payment to the second network by the first network for the use by the user of the packet data network; transmitting the second network to the first network authentication information granting the user authentication to obtain connection through the second network to the packet data network; and transmitting the authentication information from the first network to the user which informs the user that the authentication to obtain connection to the packet data network has been obtained (emphasis added).

In this regard, claim 21 recites system comprising: a user; a first network which is connectable to the user; a second network which is connectable to the first

network and to the user; and a packet data network which is connectable to the second network; and wherein <u>the first network, in response to a user request to the first network that the user be authorized for connection to the packet data network through the second network, transmits to the second network the user request and an authorization of payment by the first network for the use by the user of the packet data network</u>, the second network transmits to the first network authentication information granting the user authentication to obtain connection through the second network to the packet data network, and the first network transmits to the user authentication information which informs the user that authentication to obtain connection to the packet data network has been obtained (emphasis added).

In this regard claim 22 recites a method of obtaining connection to a packet data network comprising:<u> inputting a user request to a first network which requests that the user be authorized for connection to the packet data network through a second network; transmitting from the first network to the second network the user request and an authorization of payment to the second network by the first network for the use by the user of the packet data network</u>; transmitting from the second network to the first network authentication information granting the user authentication to obtain connection through the second network to the packet data network; transmitting the authentication information from the first network to the user which informs the user that authentication to obtain connection to the packet data network has been obtained; and after the user is informed that authentication to obtain connection to the packet data network has been obtained, <u>the user transmits to the second network at least one request for consumption of at least one service unit and the second network debits from a stored value of service units which are granted to the user a consumed number of service units</u> (emphasis added).

In this regard, claim 24 recites a system comprising: a user; a first network which is connectable to the user; a second network which is connectable to the first network and to the user; and a packet data network which is connectable to the second network; and wherein the first network, in response to a user request to the first network that the user be authorized for connection to the packet data network through the second network, transmits to the second network the user request and an authorization of payment by the first network for the use by the user of the packet data network, the second network transmits to the first network authentication information granting the user authentication to obtain connection through the second network to the packet data network, and the first network transmits to the user authentication information which informs the user that authentication to obtain connection to the packet data network has been obtained; and after the user is informed that authentication to obtain connection to the packet data network has been obtained, the user transmits to the second network at least one request for consumption of at least one service unit and the second network debits from a stored value of service units which are granted to the user a consumed number of service units (emphasis added).

Claims 1-25 stand rejected under 35 USC 102 as being anticipated by United States Patent 5,930,770 (Barber). This ground of rejection is traversed for the following reasons.

As pointed out above, each of the independent claims 1, 21, 22, 24 and newly submitted claim 26 define either a method of obtaining connection to a data network or a system in which a user, who makes payment through a first network and secures connection through a second network to a packet data network. This relationship, contrary to what the Examiner has said regarding Barber, is not present

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in Barber.

Barber discloses a method for charging a consumer for access over a single network to a vendors information based upon a third party which is referred to as a banker. See the abstract and further the summary of the invention in column 5, lines 6-23 which clearly disclose that the banker is not a second network and is in essence an entity which mints tokens which permit purchasing of access to a vendor particular Web Page via the internet or another similar type network. Nowhere in the description is there anything which pertains to the second network. The Examiner cites column 5, lines 5-11 and column 5, lines 64-68 of Barber as the second network. However, lines 5-11 state "[t]okens, which are data objects having a specific value and credit units, are amended by a banker for use in purchasing access to a particular Web Page, charging an account of a particular consumer and crediting an account of a particular vendor, usually the vendor that owns the Web Page", and lines 64-68 state "[t]o allow for this, the vendor specifies the web address of a Web Page he will use as a top commerce page, which includes tokenized links to the pages the vendor wants to sell to (step 23b of Fig. 2)". These portions merely refer to the banker, which as stated above is an entity providing credit and to the vendor neither of which can be reasonably interpreted as a second network.

The Examiner further states:

> "[W]hile Barber does not explicitly state that the consumer is being charged for access to the vendor network. Barber does state that the consumer is being charged for access to a web site of a network. Therefore, it is <u>inherent</u> that the consumer is being charged for access to whatever is on the vendors network at the specified site or sites. Therefore, it is <u>inherent</u> that the consumer is being charged for access to the vendor network (emphasis added)".

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In the first place, the doctrine of inherency requires that something that is inherent must be present. There is nothing in Barber that suggests that the "vendor" has a network which satisfies the claimed functions of the second network. For example, a vendor who has a server with a Web Page may very well be connected through the internet without having any network through which the user is receiving connection through the packet data.

What the Examiner is assuming is that there necessarily is a vendor network and further that necessarily all of the interactions recited in the independent claims which are all in the context of the user receiving packet data from a packet data network through a second network which receives payment from the first network. The Examiner's reliance on Figs. 4a, 4b and 5 as showing the first network, the second network and a packet data network is traversed for the reason that the banking entities, the vendor and the consumer referred to therein can not be reasonably interpreted from the perspective of a person of ordinary skill in the art to be networks. If the vendor network which the Examiner says is inherent (which is disputed above) corresponds to the packet data network, where is the second data network through which all of the communications from the first data network flow and where is the first network? In this scenario, the Internet must be interpreted as the second data network since the banking entities and the consumer can not be interpreted from the perspective of a person of ordinary skill in the art reasonably to be networks. However, the Internet in this set of circumstances is nothing more than a transmission network which connects the user with the vendor. There is no intelligence described in Barber pertaining functions pertained by the Internet which correspond to the claimed second data network when the alleged inherent vendor network is considered to be the packet data network to which access is being

authorized. Accordingly, it is submitted that the rejection of independent claims 1, 21, 22 and 24 on grounds of inherency is erroneous. Moreover, it is submitted that a person of ordinary skill in the art would not be lead to modify the teachings of Barber to arrive at the subject matter of the independent claims to have the claimed networks and interactions therebetween.

The dependent claims define further more specific aspects of the present invention which are not anticipated by Barber, once the proper construction of Barber as noted above is considered in that, if Barber's vendors are alleged to inherently have an access network which corresponds to the packet data network, the internet connectivity can not correspond to the claimed second network including the functions recited between the first network and the packet data network set forth in the independent claims and in the dependent claims.
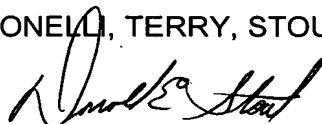
Newly submitted claims 26-35 define a method of obtaining connection to a packet data network which includes the interaction of roaming to the second network followed by the user requesting connection to the packet data network while roaming in the second network; and the second network grants connection to the packet data network while roaming in the second network based upon the authorization of payment rendered by the second network. This subject matter is neither anticipated nor rendered obvious by Barber. It is submitted that there is no counterpart of roaming disclosed with Barber even if erroneously the alleged inherent vendor network is considered to be the packet data network for the reason that a user containing connectivity over that network could not be considered to be roaming as recited in the claims. Moreover, dependent claims 27-35 define more specific aspects of the present invention which are not anticipated or rendered obvious by Barber.

In view of the foregoing amendments and remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance of the application is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR § 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 01-2135 (Case No. 0173.37066X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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